

## **MITIGATED NEGATIVE DECLARATION**

February 8, 2007

Project Name: Totten Minor Grading Permit

Project Number(s): 1026-2005-0212, Log No. 05-14-031

**This Document is Considered Draft Until it is Adopted by the Appropriate  
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
  - b. Environmental Analysis Form and attached extended studies for Biology
1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

1. TRANSPORTATION

- A. Prior to issuance of grading permits or improvement plans, the applicant shall:
  - 1) The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

## 2. BIOLOGY

- A. Prior to issuance of grading permits or improvement plans, the applicant shall:
  - 1) Grant to the County of San Diego and the California Department of Fish and Game an open space easement, or grant to the California Department of Fish and Game a conservation easement, as shown on the Open Space Exhibit dated August 9, 2006 on file with the Department of Planning and Land Use as Environmental Review Number 05-14-031. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; thinning of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation.

The sole exception to this prohibition is:

- a. Selective thinning of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While thinning for fire management is not anticipated with the creation of this easement, such thinning may be deemed necessary in the future for the safety of lives and property. All fire thinning shall be pursuant to the Uniform Fire Code and the Memorandum of Understanding dated February 26, 1997, between the

wildlife agencies and the fire districts, and any subsequent amendments thereto.

- 2) Restrict all brushing, clearing and/or grading such that none will be allowed within 300 feet of coastal sage scrub habitat during the breeding season of the California gnatcatcher. This is defined as occurring between March 1 and August 15. The Director of Planning and Land Use may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, that no California gnatcatcher are present in the vicinity of the brushing, clearing or grading.

3. ARCHEOLOGY/CULTURAL RESOURCES:

- A. Prior to approval of a grading or improvement plans, the subdivider shall:

- 1) Implement a grading monitoring and data recovery program to mitigate potential impacts to undiscovered buried archaeological resources on the Totten SFR Project, Log No. 05-14-013 to the satisfaction of the Planning Director. This program shall include, but shall not be limited to, the following actions:
  - a. Provide evidence to the Department of Planning and Land Use that a County certified archaeologist has been contracted to implement a grading monitoring and data recovery program to the satisfaction of the Director of Planning and Land Use (DPLU). A copy of the contract as well as letter from the Project Archaeologist shall be submitted to the Director of Planning and Land Use. The contract shall include the following guidelines:
    - i. The consulting archaeologist shall contract with a Native American monitor to be involved with the grading monitoring program.
    - ii. The County certified archaeologist/historian and Native American monitor shall attend the pre-grading meeting with the contractors to

- explain and coordinate the requirements of the monitoring program.
- iii. The consulting archaeologist shall monitor all areas identified for development.
  - iv. An adequate number of monitors (archaeological/historical/Native American) shall be present to ensure that all earth moving activities are observed and shall be on-site during all grading activities.
  - v. During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and Native American monitor(s) shall be onsite full-time to perform full-time monitoring as determined by the Principle Investigator of the excavations. The frequency of inspections will depend on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features.
  - vi. Isolates and clearly non-significant deposits shall be minimally documented in the field and the monitored grading can proceed.
  - vii. In the event that previously unidentified potentially significant cultural resources are discovered, the archaeologist shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. The archaeologist shall contact the County Archaeologist at the time of discovery. The archaeologist, in consultation with County staff archaeologist, shall determine the significance of the discovered resources. The County Archaeologist must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate

- impacts shall be prepared by the consulting archaeologist and approved by the County Archaeologist, then carried out using professional archaeological methods.
- viii. If any human bones are discovered, the Principle Investigator shall contact the County Coroner. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains.
  - ix. Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The Principle Investigator shall determine the amount of material to be recovered for an adequate artifact sample for analysis.
  - x. In the event that previously unidentified cultural resources are discovered, all cultural material collected during the grading monitoring program shall be processed and curated according to current professional repository standards. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.
  - xi. In the event that previously unidentified cultural resources are discovered, a report documenting the field and analysis results and interpreting the artifact and research data within the research context shall be completed and submitted to the satisfaction of the Director

of Planning and Land Use prior to the issuance of any building permits. The report will include Department of Parks and Recreation Primary and Archaeological Site forms.

- xii. In the event that no cultural resources are discovered, a brief letter to that effect shall be sent to the Director of Planning and Land Use by the consulting archaeologist that the grading monitoring activities have been completed.

B. Provide Evidence to the Director of Planning and Land Use that the following notes have been placed on the Grading Plan:

- 1) The County certified archaeologist/historian and Native American monitor shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the monitoring program.
- 2) During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and Native American monitor(s) shall be onsite full-time to perform full-time monitoring as determined by the Principle Investigator of the excavations. The frequency of inspections will depend on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features.
- 3) In the event that previously unidentified potentially significant cultural resources are discovered, the archaeological monitor(s) shall have the authority to divert or temporarily halt ground disturbance operation in the area of discovery to allow evaluation of potentially significant cultural resources. The Principle Investigator shall contact the County Archaeologist at the time of discovery. The Principle Investigator, in consultation with County staff archaeologist, shall determine the significance of the discovered resources. The County Archaeologist must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the consulting archaeologist and approved by the County Archaeologist, then carried out using professional archaeological methods.

- 4) The consulting archaeologist shall monitor all areas identified for development.
- 5) If any human bones are discovered, the Principle Investigator shall contact the County Coroner. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains.
- 6) Prior to rough grading inspection sign-off, provide evidence that the field grading monitoring activities have been completed to the satisfaction of the Director of Planning and Land Use. Evidence shall be in the form of a letter from the Project Archaeologist.
- 7) Prior to Final Grading Release, submit to the satisfaction of the Director of Planning and Land Use, a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program. The report shall also include the following:
  - a. Department of Parks and Recreation Primary and Archaeological Site forms.
  - b. Evidence from a curation facility within San Diego County that all cultural material collected during the grading monitoring program has been received for curation accompanied by payment of the fees necessary for permanent curation.

In the event that no cultural resources are discovered, a brief letter to that effect shall be sent to the Director of Planning and Land Use by the consulting archaeologist that the grading monitoring activities have been completed.

Or

Enter into a Secured Agreement with the County of San Diego, Department of Planning and Land Use, secured by a letter of credit, bond, or cash for 100 percent of the estimated costs associated with the preparation of the Final Report that documents the results,

analysis, and conclusions of all phases of the Archaeological Monitoring Program, and a 10 percent cash deposit not to exceed \$30,000. A cost estimate shall be submitted and approved by the Director of Planning and Land Use for the cost of preparing the Final Grading Monitoring that includes artifact analysis, and specialized studies such as lithics analysis, ceramics analysis, faunal analysis, floral analysis, assemblage analysis, and radiocarbon dating as determined by the Project Archaeologist in consultation with County Staff Archaeologist.

C. Prior to occupancy of any dwelling unit and/or the conclusion of any grading activity, the applicant shall:

- 1) Complete and submit a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program to the satisfaction of the Director of Planning and Land Use. The report shall also include the following:
  - a. Department of Parks and Recreation Primary and Archaeological Site forms.
  - b. Evidence from a curation facility within San Diego County that all cultural material collected during the grading monitoring program has been received for curation accompanied by payment of the fees necessary for permanent curation.

In the event that no cultural resources are discovered, a brief letter to that effect shall be sent to the Director of Planning and Land Use by the consulting archaeologist that the grading monitoring activities have been completed.

Or

Enter into a Secured Agreement with the County of San Diego, Department of Planning and Land Use, secured by a letter of credit, bond, or cash for 100 percent of the estimated costs associated with the preparation of the Final Report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program, and a 10 percent cash deposit not to exceed \$30,000. A cost estimate shall be submitted and approved by the Director of Planning and Land Use for the cost of preparing the Final Grading Monitoring that includes artifact analysis, and



specialized studies such as lithics analysis, ceramics analysis, faunal analysis, floral analysis, assemblage analysis, and radiocarbon dating as determined by the Project Archaeologist in consultation with County Staff Archaeologist.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9424 and Ordinance No. 9426) and all other applicable ordinances and standards. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas one acre or greater require that the property owner keep additional and updated information on-site concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

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on \_\_\_\_\_

ALYSSA MAXSON, Planning Manager  
Regulatory Planning Division

AM:TP:jcr

cc's listed on the following page

Negative Declaration,  
1026-2005-0212, Log No. 05-14-031

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February 8, 2007

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